Coastal Commi	unication Service	:e	9 Cross Road			Juan Escobedo	
			SPECIAL	CONSTRUCTION	ESTIMATE		
			- SUN	MARY OF COST	S -		
				TE BLUE ENTRIES Y		RI F	
			TC	TAL COSTS FOR PE	OJECT	<u> </u>	
	SALES	NON-EXEMPT				MATERIAL COST	CUSTOMER
ACCOUNT	TAX	MATERIAL	# CXM LABOR	# LABOR	LABOR	W/EXPT MATL LOAD,	APPLICABLE
CODE	RATE	COST	HOURS	HOURS	COST	JAX & SUPPLY EXP	MATERIAL COST
32C	8.25%	\$75.57	40	50	\$2,740.00	\$555.71	\$555.71
4M	8.25%	\$0.00	16	16	\$796.00	'\$0.00	\$0.00
5M	8.25%	\$0.00	35	35	\$1,741.25	\$110.82	\$110.82
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00
Q	<u>Q,00%</u>	<u>\$0,00</u>	<u>0</u>	Q	\$0.00	\$0.00	\$0.00
TOTALS		\$75.57	91	101	\$5,277.25	\$666.53	\$666.53
PROJECT CO							
	D MATERIAL	COSTS		\$666.53			
TOTAL LABOR	COST FOR PROJECT		ļ	\$5.277.25			
IUIAL CUSTS	FUR PROJECT			\$5,943.78			
DUE FROM	CUSTOMER:						
TOTAL MATE	RIAL COSTS			\$666.53	<u> </u>		1
TOTAL LABOR	COSTS		1	\$5,277,25		 	1
OMMISSIONS	& CONTIGENO	IES		\$891.57			
LESS 4225 EN	IGINEERING DE	SIGN CHARGE	1	1	<u> </u>	· · · · · · · · · · · · · · · · · · ·	
(EFFECTIVE O	N 11/30/96)]		1	1		
TOTAL COST	OF CONSTRUC	TION]	\$6,800.00	1		
			- 	<u> </u>			
	<u> </u>	<u> </u>		<u> </u>	<u></u>		

19-Dec-96

Mr. John Sweeney
Coastal Communication Service
9 Cross Road
Brookfield, Ct. 06804

RE: NYNEX CWO#

89678-4

Dear Mr. John Sweeney

This is in response to your request for NYNEX to perform the following:

Provide facilities to public pay telephone located at 424 Broadway.

We have estimated that the cost of this work effort will be:

\$6.800.00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Tariff, where applicable.

Kindly-remit your advance payment in the amount of signed below to:

\$6,800.00 along with this letter,

RIVAL

NYNEX
Engineering and Construction
Patricia Barnhart
375 Pearl Street
Room 1612
New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

89678-4

Please be advised that the price quoted herein is valid for 60 days from the date of this letter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concerning this matter, do not hesitate to contact:

NYNEX Sales Agent:

0

OSP Engineer:

Juan Escobedo

1. 16.

212 766-8630

Very truly yours,

Patricia Barrhart

Reimbursable Construction Engineer

Manhattan

212 441-7132

I agree to the terms of this contract:

Signature & Date:	
Print Name & Title:	

cc:

SPECIAL CONSTRUCTION - INPUT SHEET -

ONLY COMPLETE BLUE ENTRIES WHERE APPLICABLE

	110/00/100	
CONTRACT DATE:	12/19/96	
DATE SENT TO ENG.:	00000	
CWO NUMBER:	89678-5	
TURF:	Manhatten	
RCE'S NAME:	Patricia Barnhart	
STREET ADDRESS:	376 Pearl Street	
ROOM NUMBER:	Room 1812	
CITY, ST., ZIP:	New York, NY 10038	
TELEPHONE #:	212 441-7132	
FAX #:	212 441-7107	
SALES MAN'S NAME:		
STREET ADDRESS:		
CITY, ST., ZIP		
TELEPHONE #:		
FAX #:		
CUSTOMER'S NAME:	Coastal Communication Service	
STREET ADDRESS:	9 Cross Road	
CITY, ST., ZIP:	Brookfield, Ct. 08804	
BILLING TEL. #:		
CUSTOMER CONTACT:	Mr. John Sweeney	
(Always type Mr., Mrs., or Ms	. Name)	
CONTACT'S TEL. #:	718 767-5804	
ENGINEER FAMILIAR:	Juan Escobedo	
TELEPHONE #:	212 766-8630	
DESCRIPTION OF WORK REQ	JIRED:	•

		Coastal Communication S	e mine							 			
JUNEOUS CONTRACT	Titting.	COASIN COMMUNICATION S	PANCE 1		ENCINECO'C	CRECIAL	CONSTRUCTO	N ECTIONAT		<u> </u>		L	
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	ACCOUNT	TOTAL	TOTAL		MATERIAL	TYPE	OF LABOR	ROBAL	LABOR	MATE	RIALS	LA	OR
TUNE	CODE	MATERIAL ITEMS	YTITHAUD	UNIT PRICE	1202	C.E.LS.Z	HQUAS	BATE	COSI	26		%	1
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1	32C	Coppor Cable-12x	85	\$0.28	\$22.10	С	35	\$49.75	\$1.741.25	100%	122.10	100%	\$1,741.25
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oastal Comm	unication Servic	e	9 Cross Road			Juan Escobedo					
			SPECIAL	CONSTRUCTION	ESTIMATE						
			- SUM								
		····	ONLY COMPLETE BLUE ENTRIES WHERE APPLICABLE								
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			TO	TAL COSTS FOR PA	OJECT						
	SALES	NON-EXEMPT				MATERIAL COST	CUSTOMER				
ACCOUNT	TAX	MATERIAL	# CXM LABOR	# LABOR	LABOR	WIEXPT MATL LOAD,	APPLICABLE				
CODE	RATE	COST	HOURS	HOURS	COST	TAX & SUPPLY EXP	MATERIAL COST				
32C	8.25%	\$66.47	35	45	\$2,491.25	\$486.69	\$486.69				
0	8.25%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
ō	8.25%	\$0.00	0	0	\$0:00	\$0.00	\$0.00				
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0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
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TOTALS		\$66.47	35	45	\$2,491.25	\$486,69	\$486,69				
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PROJECT C		0070		4400.00							
	D MATERIAL C	USIS	ļ	\$486.69	<u> </u>		ļ				
TOTAL LABOR	FOR PROJECT			<u>\$2,491,25</u> \$2,977.94							
OTAL COSTS	FOR PROJECT			74,911.94							
DUE FROM	CUSTOMER:						1				
TOTAL MATE	RIAL COSTS	· · · · · · · · · · · · · · · · · · ·		\$486.69							
TOTAL LABOR	COSTS			\$2,491.25							
SKOISSIMMO	& CONTIGENCI	ES		\$446.69							
	GINEERING DE	SIGN CHARGE									
EFFECTIVE O	N 11/30/96)										
TOTAL COST	OF CONSTRUC	TION		\$3,400.00							
	ł i		{		[1				

19-Dec-96

Mr. John Sweeney
Coastal Communication Service
9 Cross Road
Brookfield, Ct. 06804

RE: NYNEX CWO#

89678-5

Dear Mr. John Sweeney

This is in response to your request for NYNEX to perform the following:

Provide facilities to public pay telephone located at 277C Canal Street.

We have estimated that the cost of this work effort will be:

\$3,400.00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Tariff, where applicable.

Kindly remit your advance payment in the amount of

\$3,400.00 along with this letter,

signed below to:

NYNEX
Engineering and Construction
Patricia Barnhart
375 Pearl Street
Room 1612
New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

89678-5

Please be advised that the price quoted herein is valid for 60 days from the date of this letter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concarning this matter, do not hesitate to contact:

NYNEX Sales Agent:

0

OSP Engineer:

Juan Escobedo

0

212 766-8630

Very truly yours,

Patricia Barnhart

Reimbursable Construction Engineer

Manhattan 212 441-7132

I agree to the terms of this contract;

Signature & Date:	
Print Name & Title:	

CC:

SPECIAL CONSTRUCTION - INPUT SHEET -

	ONLY COMPLETE BLUE ENTRIES WHERE APPLICABLE		
**** Any questions/comments	s concerning this model, contact R. Mallon on 212-395-8647 ***	• • Model issue:	11/01/96
CONTRACT DATE:	12/19/96		
DATE SENT TO ENG.:			
CWO NUMBER:	89678-8		
TURF:	Manhattan		
RCE'S NAME:	Patricia Barnhart		
STREET ADDRESS:	375 Pearl Street		
ROOM NUMBER:	Room 1612		
CITY, ST., ZIP:	New York, NY 10038		
TELEPHONE #:	212 441-7132		
FAX #:	212 441-7107		
SALES MAN'S NAME:			
STREET ADDRESS:			
CITY, ST., ZIP			
TELEPHONE #:			
FAX #:			
CUSTOMER'S NAME:	Coastal Communication Service		
STREET ADDRESS:	9 Cross Road		
CITY, ST., ZIP:	Brookfield, Ct. 06804		
BILLING TEL. #:			
CUSTOMER CONTACT:	Mr. John Sweeney		
(Always type Mr., Mrs., or Ms.	Name)		
CONTACT'S TEL. #:	718 767-5804		
ENGINEER FAMILIAR:	Juan Escobedo		
TELEPHONE #:	212 766-8630		
DESCRIPTION OF WORK REQUI	IRED:		
Provide facilities to public pay to	elephone located at 165 Canal Street.		
		1	
		1	

	49751918	Coastal Communication 5	ENIOE							l			
					ENGINEER'S		CONSTRUCTIO	ON ESTIMATI	E				
							ETAILS -						
							BNTRIES WHERE						
		(LABO)	TYPE: "C" FOR	XM (PLACKYG OR	SPLICING); 'E' FOR	ENGINBERIN	G; "I" FOR IGNS;	"S" FOR SVAT	CHING TECHN.; Z	FOR CONTRACT LA	BOR (ECS))		
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	"I" or "=12/12".												
Bac	valous se	g fime is 10 hours out at	the entre 100 hou	is required for the	job, enter '=10/10)	or 10'.							
	r				NON-EXEMPT		TOTAL #		TOTAL	J		I STATE OF THE PARTY OF THE PAR	
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1	32C	Copper Cable-12x	85	\$0.26	\$22.10	С	35	449.75	\$1,741.25	100%	\$22.10	100%	\$1,741.25
2	32C	Terminal	7	\$44.37	\$44.37	E	10	\$75,00	\$750.00	100%	144.37	100%	\$750.0D
3	32C	0	0	\$0.00	\$0.00	0	0	\$0.00	\$0.00	0%	\$0.00	0%	\$0.00
4	32C	0	0	\$0.00	\$0.00	0	0	\$0.00	\$0.00	0%	\$0.00	0%	60.00
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3	4M	0	0	\$0.00	00.00	O	0	\$0.00	\$0.00	022	\$0.00	0%	00.00
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4	5M	<u> </u>	0	\$0.00	10.00	0	Ö	40.00	00.00	0%	00.04	0%	\$0.00
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3	0	0	0	\$0.00	\$0.00	0	0	\$0.00	\$0.00	0%	\$0.00	0%	CO.07
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	1.5				1 4000		<u> </u>		1 70.00		1 40.00	<u> </u>	40.03

Coastal Comm	unication Servic	e	9 Cross Road			Juan Escobedo					
			SPECIAL	CONSTRUCTION	ESTIMATE						
			- SUN	MARY OF COST	S -						
			ONLY COMPLE	TE BLUE ENTRIES W	HERE APPLICATE	BLE					
			TOTAL COSTS FOR PROJECT								
	SALES	NON-EXEMPT				MATERIAL COST	CUSTOMER -				
ACCOUNT	TAX	MATERIAL	# CXM LABOR	# LABOR	LABOR	W/EXPT MATL LOAD,	APPLICABLE				
CODE	RATE	COSI	HOURS	HOURS	COST	TAX & SUPPLY EXP	MATERIAL COST				
							<u> </u>				
32C	8.25%	\$68.47	35	45	\$2,491.25	\$486.69	\$486.69				
4M	8.25%	\$0.00	16	16	\$798.00	\$0.00	\$0.00				
5M	8.25%	\$0.00	35	35	\$1,741.25	\$110.82	\$110.82				
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
0	0.00%	\$0.00	0	0	\$0.00	\$0.00	\$0.00				
<u>0</u>	0.00%	\$0.00	<u>0</u>	Q	\$0.00	\$0.00	\$0.00				
TOTALS		\$66.47	86	. 96	\$5,028.50	\$597.51	\$597.51				
PROJECT C	nete:	: 									
	D MATERIAL C	NOTE	 	\$597.51			 				
OTAL LOAD		10313	 	\$5,028.50							
	FOR PROJECT			\$5,626.01			 				
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19-Dec-96

Mr. John Sweeney Coastal Communication Service 9 Cross Road Brookfield, Ct. 06804

RE: NYNEX CWO#

89678-6

Dear Mr. John Sweeney

This is in response to your request for NYNEX to perform the following:

Provide facilities to public pay telephone located at 165 Canal Street.

We have estimated that the cost of this work effort will be:

\$6,500.00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted hersin is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard teriff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Tariff, where applicable.

Kindly remit your advance payment in the amount of signed below to:

\$6,500.00 along with this letter,

NYNEX Engineering and Construction Patricia Barnhart 375 Pearl Street Room 1612 New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

89678-6

Please be advised that the price quoted herein is valid for 60 days from the date of this letter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concerning this matter, do not hesitate to contact:

NYNEX Sales Agent:

0

OSP Engineer:

Juan Escobedo

212 766-8630

Very truly yours,

Patricia Barnhart

Reimbursable Construction Engineer

Manhattan 212 441-7132

I agree to the terms of this contract:

Signature & Date:	
Print Name & Title:	

cc.

ES. BOAR

SPECIAL CONSTRUCTION - INPUT SHEET -

**** Any quastions/comment	ONLY COMPLETE BLUE ENTRIES WHERE APPLICABLE s concerning this model, contact R. Mallen on 212-395-8647	Model issue:	11/01/96
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RCE'S NAME:	Patricia Barnhart		
STREET ADDRESS:	375 Pearl Street		
ROOM NUMBER:	Room 1612		
CITY, ST., ZIP:	New York, NY 10038		
TELEPHONE #:	212 441-7132		
FAX #:	212 441-7107		
SALES MAN'S NAME:			
STREET ADDRESS:			
CITY, ST., ZIP			
TELEPHONE #:			
FAX #:			
CUSTOMER'S NAME:	Coastal Communication Service		
STREET ADDRESS:	9 Cross Road		
CITY, ST., ZIP:	Brookfield, Ct. 06804		
BILLING TEL. #;			
CUSTOMER CONTACT:	Mr. John Sweeney		
(Always type Mr., Mrs., or Ms.			
CONTACT'S TEL. #:	718 767-5804		
ENGINEER FAMILIAR:	Juan Escobedo		
TELEPHONE #:	212 766-8630		
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Coastal Communication Service			9 Cross Road	•		Juan Escobedo	
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19-Dec-96

Mr. John Sweeney Coastal Communication Service 9 Cross Road Brookfield, Ct. 06804

RE: NYNEX CWO#

89678-7

Dear Mr. John Sweeney

This is in response to your request for NYNEX to perform the following:

Provide facilities to public pay telephone located at 165 Canal Street on Elizabeth St.

We have estimated that the cost of this work effort will be:

\$3,400.00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Tariff, where applicable.

Kindly remit your advance payment in the amount of signed below to:

\$3,400.00 along with this letter,

NYNEX Engineering and Construction Patricia Barnhart 375 Pearl Street Room 1612 New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

8967B-7

Please be advised that the price quoted herein is valid for 60 days from the date of this letter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concerning this matter, do not hesitate to contact:

NYNEX Sales Agent:

0

OSP Engineer:

Juan Escobedo

212 766-8630

Very truly yours,

Patricia Barnhart

Reimbursable Construction Engineer

Manhattan 212 441-7132

I agree to the terms of this contract:

Signature & Date:	
Print Name & Title:	

cc:

ROLAND, FOGEL, KOBLENZ & CARR, LLP

ATTORNEYS AT LAW

1 COLUMBIA PLACE

ALBANY, NEW YORK 12207

KEITH J. ROLAND
USHER FOGEL
MARK L. KOBLENZ
MURRAY S. CARR*
EMILIO A. F. PETROCCIONE

COUNSEL
*ALSO ADMITTED TO FLORIDA BAR

(5 1 8) 4 3 4 - 8 1 1 2 (5 1 8) 4 6 2 - 4 2 4 2 EDMUND A. KOBLENZ 1908-1972 A. ABBA KOBLENZ 1922-1979

FILE CON

TELECOPIER (5 1 8) 4 3 4 - 3 2 3 2 GEORGE A. ROLAND*

September 26, 1997

Mr. Daniel M. Martin Chief Tariff and Rates Section New York State Public Service Commission Three Empire State Plaza Albany, New York 12223

Re: Case 97-C-0907 - Complaint of IPANY Against New York
Telephone Company Regarding Curbside Payphone
Installations

Dear Mr. Martin:

The purpose of this letter is to report to you on the latest developments - or more properly lack thereof - relating to IPANY's pending complaint against New York Telephone in connection with excessive installation and "special engineering" charges.

In a meeting held on September 9, 1997, New York Tel representatives outlined the basis for the "estimates" which are being provided to IPANY members for installation of curbside service. The Company explained it utilizes three employees to install this service. The first two workmen go to the job site,

open and ventilate the manhole, and barricade the area.

The first task this crew will perform is to place a 100 pair cable stub on the wall of the manhole. This task allegedly takes three hours. A third worker then arrives at the job site, supposedly timed so that he or she is never idle. This employee's job is to pull a 25 pair cable from the manhole to the base of the payphone pedestal through subsidiary conduit which has already been paid for and installed by the IPP. This simple task of pulling the 25 pair cable through existing conduit allegedly takes $4\frac{1}{2}$ hours.

Next, a jack is installed in the payphone, and one pair of the 25 pair cable is connected to the jack. The remaining pairs are spares. The simple task of installing this jack requires, according to New York Telephone, another 1.5 hours. One of the three employees then splices five pair of the 25 pair cable to the connecting block in the manhole, to which the 100 pair cable is also attached; this task allegedly takes eight hours. Finally, an employee will splice all 100 pairs on the stub cable into the distribution cable in the manhole. This last splicing job allegedly takes 25 hours.

Accordingly, (a) splicing the 100 pair cable into the distribution plant, (b) connecting five of those pairs to five of the 25 pair in the cable which runs through the subsidiary

conduit, (c) pulling the cable through the subsidiary conduit, and (d) attaching one pair to a jack in the pedestal, according to New York Telephone, requires 42 hours of work. This is outrageous on its face, and certainly does not comport with the Company's obligation to provide service which is "adequate and in all respects just and reasonable".

It should also be noted that, because of New York City street opening and work regulations, almost all of this work would have to be performed at overtime rates.

IPANY urges this Commission to compare the time "estimates" given by New York Tel with the Company's actual experience, and with the real world experience of other craftsmen who now perform, or in the past performed, that work.

In addition to being incredibly inefficient, NYT's practice is unreasonable because it charges the IPP for installation work which probably should be capitalized, and in any event will clearly benefit the Company and subsequent customers. The major tasks, placing the 100 pair cable in the manhole and splicing 100 pair at one end of it into the distribution cable, takes at least 28 - and as much as 36 - of the 42 hours. Yet once that 100 pair cable has been spliced into the distribution cable, New York Telephone can use the 95 unused pairs to provide service to the next 95 customers who obtain service. That could be 95 regular

business and residential customers or any other customer (including a New York Tel payphone).

The proper way to treat these 28 to 36 hours is as a capitalized cost of providing overall service to New York Telephone's existing and potential customers, which should be recovered in base rates, rather than assessed to one specific customer.

Reasonable installation charges should be applied evenly to all customers, not just the first one taking service from that splice.¹

If NYT must splice a new cable to provide service to a single business customer, the customer pays only the basic installation charge. That should not be different for IPPs.

There is an additional development which should be brought to your attention. As you know, New York Telephone is currently charging a \$225 "quotation fee" simply for providing a cost estimate for installing a Public Access Line to a curbside telephone. In many cases, an IPP will install two or three pay telephones at the same location, but will submit one request for a price quote. In such situation, the work functions necessary to install service to one payphone (placing and splicing a cable

The task of pulling the 25 pair cable through the conduit, installing the jack in the pedestal, and connecting a pair to that jack, should be covered by New York Telephone's basic PAL installation charge.

in the manhole, and dragging a 25 pair cable through the conduit) will be common to all the phones. The only variable will be the number of jacks installed. Yet, if the IPP specifies that multiple payphones will be located at the same spot, New York Tel is now demanding multiple "quotation fees". In other words, if three phones are to be installed, New York Tel now demands a \$750 quotation fee, even though the cost of producing the estimate will be no different from that for a one payphone installation.²

IPANY wants to reiterate the incredible "chilling effect" New York Telephone's current practices are having on the development of pay telephone competition. A pay telephone operator bases his decision on whether to make an installation primarily on the prospective costs. When New York Telephone demands up-front payment of \$4,000 to \$6,500 per phone, this imposes a major burden, particularly if the IPP must also incur the cost of conduit. Under these circumstances, many IPPs will simply be unable to make that installation, leaving the location open for New York Telephone's own PUBCOMM division.

New York Telephone defends its practice by claiming that its "estimates" are only that, and the actual bill may be different. However, that provides little comfort to the IPP. Absent any

² The basis for <u>any</u> quotation fee remains to be shown. In previous correspondence, NYT has admitted its price quotes are <u>not</u> based on the actual projected costs for the particular installation. See Letter of New York Telephone Company to John C. Crary, June 9, 1997, at p. 18.

certainty as to what the "final price" will be, an IPP must assume that the inflated "estimate" will apply. The fact some money might someday be returned does not solve the problem of excessive demands at the front end.³

As IPANY has argued from the outset, there is no basis whatsoever for New York Telephone's demanding special engineering or construction charges for providing a PAL connection - which NYT treats for all other purposes as a regular business line - to a curbside pay telephone. New York Telephone's wholly unsupportable charges - and its demand for up-front payments - graphically demonstrates just how anticompetitive the Company's practice has become.

New York Tel's practice of demanding excessive up-front payments continues unabated. For example, attached to this letter are three price quotes issued by NYNEX to Telebeam on September 25, 1997, ranging from \$3,700 to \$4,400. No backup is provided. No service will be installed unless Telebeam pays the full amount, in advance, no matter how unreasonable.

Accordingly, IPANY has concluded there is no basis to believe a negotiated settlement with NYT can be reached, and we request the Commission to proceed with issuance of its determination on all

³ The time gap between the "estimate" and the "final bill" is unknown, since NYT has not, to our knowledge, issued any final bills to IPPs.

issues. Because of the severe impact and irreparable harm (loss of site authority) the current practice is having on IPPs, it is respectfully requested that, until final Commission resolution, NYT be directed to cease demanding up front payments, or limiting them to standard installation charges.

incerely,

Keith J. Roland

KJR/mac

cc: Robert T. Slevin, Esq.

Bruce Miller Doug Sieg Tom Knowles

F . U.S

Mr. Ray Mastrolanni,

Talahasm 36-40 37th Street Long Island City, NY 11101

RE: NYNEX CWO# 89758-5

Dear Mr. Ray Mastroianni,

This is in response to your request for NYNEX to perform the following:

Provide telephone service for the Telebeam COCOT (application numbers 765/756) located in front of 233 5th Avenue. Two lines will be provided.

We have estimated that the cost of this work affort will be:

\$3,700.00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Taniff or the FCC No. 1 Tariff, where applicable.

Kindly remit your advance payment in the amount of signed below to:

\$3,700.00 along with this letter,

NYNEX Engineering and Construction Stanley J. Wynmen 375 Pearl Street Room 1612

New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

89758-5

Please be advised that the price quoted herein is valid for 50 days from the date of this letter. If we do not receive payment within this 60 day partied, we will assume that you do not want the work to be undertaken and the project will be canopled.

If you have any questions concerning this matter, do not hesitate to contact

NYNEX Sales Agent: Linda Klien

212 615-7800

OSP Engineer: Herman Teschner

212 374-7721

Very truli

Stanley J. Wynman

Reimbursable Construction Engineer

Manhattan 212 441-7132

I agree to the terms of this contract:

Signature & Date: Print Name & Title:

Linda Klien

25-Sep-97

Mr. Ray Mastrojanni,

Telebeam 35-40 37th Street Long Island City, NY 11101

RE: NYNEX CWO# 89758-6

Dear Mr. Ray Mastroianni,

This is in response to your request for NYNEX to perform the following:

Provide telephone service for the Telephone COCOT (application numbers 757/758) located in front of 245 5th Avenue. Two tines will be provided.

We have estimated that the cost of this work effort will be:

\$4,200.00

it is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be lower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Tariff, where applicable.

Kindly remit your advance payment in the amount of

\$4,200.00 along with this letter.

signed below to:

Engineering and Construction Stanley J. Wynman 375 Pearl Street Room 1612 New York, NY 10038

Please make the check payable to NYNEX and noted with CWO#

89758-6

Please be advised that the price quoted herein is valid for 50 days from the date of this letter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concerning this matter, do not hesitate to contact:

NYNEX Sales Agent: Linda Klign

212 815-7800

OSP Engineer: Herman Teachner

212 374-7721

Stanley J. Wynman

Reimbursable Construction Engineer

Manhettan 212 441-7132

I agree to the terms of this contract:

Signature & Date: Print Name & Title:

Linda Klien

25-Sep-97

Mr. Ray Mastroianni,

Telebeam 35-40 37th Street Long Island City, NY 11101

RE: NYNEX CWO# 69758-7

Dear Mr. Ray Mastroianni,

This is in response to your request for NYNEX to perform the following:

Provide telephone service for the Yelebeam COCOT (application numbers 825/825) located in front of 303 5th Avenue. Two lines will be provided.

We have estimated that the cost of this work effort will be:

\$4,400,00

It is NYNEX's policy to require an advance payment in the full amount of the estimated cost prior to the start of any work. In addition, the amount quoted herein is only an estimated cost to perform this work. Should your advance payment not cover the actual cost, you will receive a bill for the additional cost. Of course, should the actual cost be tower than the amount quoted herein, you will receive a refund for the overpayment. This price does not include any service establishment charges or standard tariff charges associated with any services provided by the terms and conditions set forth in the New York P.S.C. 900 Tariff or the FCC No. 1 Teriff, where applicable.

Kindly remit your advance payment in the amount of

\$4,400.00 along with this letter.

signed below to:

NYNEX Engineering and Construction Stanley J. Wynman 375 Pearl Street Room 1612 New York, NY 10038

Please make the check payable to NYNEX and noted with CWOR

39758-7

Please be advised that the price quoted herein is valid for 60 days from the date of this latter. If we do not receive payment within this 60 day period, we will assume that you do not want the work to be undertaken and the project will be canceled.

If you have any questions concerning this matter, do not hesitate to contact:

NYNEX Sales Agent Linda Klien

212 815-7800

OSP Engineer: Herman Teachner

212 374-7721

Stanie J. Wynman

Reimbursable Construction Engineer

Manhattan

212 441-7132

g	
Signature & Date:	
Print Name & Title:	

CC.

Linda Klien

I attree to the terms of this contract:

ROLAND, FOGEL, KOBLENZ & CARR, LLP



ATTORNEYS AT LAW

1 COLUMBIA PLACE

ALBANY, NEW YORK 12207

KEITH J. ROLAND USHER FOGEL MARK L. KOBLENZ MURRAY S. CARR* EMILIO A. F. PETROCCIONE

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November 10, 1997

HAND DELIVERED

Mr. Daniel M. Martin Chief Tariff and Rates Section New York State Public Service Commission Three Empire State Plaza Albany, New York 12223

> Re: Case 97-C-0907 - Complaint of IPANY Against New York Telephone Company Regarding Curbside Payphone Installations

Dear Mr. Martin:

This letter will supplement my correspondence of September 26, 1997, regarding the "price estimates" New York Telephone is issuing for connection of a curbside pay telephone.

There is clear discrimination between the treatment New York Telephone is extending to competing pay telephone providers, and the manner in which it is willing to provision service to other curbside locations.

Enclosed herewith is another example of that discrimination.